

On December 6, 2011, the government filed an appeal of Magistrate Judge LLoyd's Order permitting defendant Jose Romero ("Romero") to be released pending trial pursuant to conditions he set.

On December 13, 2011 this Court held a *de novo* hearing on the matter. Attorney Daniel Kaleba appeared on behalf of the United States and defendant was represented by Attorney Mary Conn. Having reviewed the papers and having heard oral argument on this matter, the Court finds the following.

The Bail Reform Act requires the courts to apply the least restrictive condition or combination of conditions which will reasonably assure the appearance of the person as required and the safety of the community. 18 U.S.C. § 3142(c)(2). The Government bears the burden of showing a flight risk by a preponderance of the evidence and a danger to the community by clear and convincing evidence. *United States v. Motamendi*, 767 F.2d 1403 (9th Cir. 1985). See also 18 U.S.C. § 3142(g).

The Court has reviewed the materials filed in this matter and finds that the conditions fashioned by Judge Lloyd, along with an additional condition that defendant post a \$50,000 bond

1 would be sufficient to support his release pending trial while
2 still reasonably assuring the appearance of defendant as
3 required and the safety of the community.

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IT IS SO ORDERED.

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8 Dated: December 16, 2011

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D. Lowell Jensen
United States District Judge